

SHORT FORM ORDER

SUPREME COURT - STATE OF NEW YORK

Present: HON. R. BRUCE COZZENS - SUPREME COURT JUSTICE

SHALOM S. MAIDENBAUM,

Plaintiff,

-against-

CARDIS ENTERPRISES INTERNATIONAL, B.V.,
CARDIS ENTERPRISES INTERNATIONAL, N.V.,
CARDIS ENTERPRISES INTERNATIONAL (USA), INC.
CHOSHEN ISRAEL LLC and AARON FISCHMAN,

Defendants.

TRIAL/IAS PART 1

NASSAU COUNTY

INDEX NO. 604610/2016

MOT. SEQ. # 36 and 37

The Cross-motion (Seq. #37) (NYSCEF 628) for costs and sanctions based upon the frivolous conduct on the part of Ultimas Inc. was granted in the discretion of the Court, pursuant to 22 NYCRR §130-1.1 through Order dated April 25, 2023 the Court finding that no reasonable argument can be made to countenance the movant's behavior in filing four (4) motions for the same relief thereby causing injury to the Plaintiff based on the failure of the movant to comply with the *subpoenas*. In addition the Court has been burdened unnecessarily. Accordingly, the Court granted the Cross-motion for sanctions and costs including attorney's fees. The Court granted an award of sanctions in the amount of \$500.00 against Counsel for this frivolous motion. The Court directed Counsel to pay the sanctions to the Lawyers' Fund for Client Protection pursuant to 22 NYCRR §130-1.3 within ten (10) days of entry of this Order. In regard to attorneys' fees, Counsel for Plaintiff was directed to file an affirmation setting forth the time expended on the motion along with the hourly rate within twenty (20) days of entry of the Order. Plaintiff filed the affirmation on May 8, 2023. Movant was given ten (10) days to submit an affirmation in opposition and Plaintiff's counsel three (3) days to reply.

The Court directed the movant to comply fully with the *subpoenas* within thirty (30) days from entry of this order. The deposition was to be held in the basement area of the Supreme Court 100 Supreme Court Drive Mineola, New York on Wednesday, June 21, 2023 at 9:30 a.m. The deposition was never conducted and Counsel are working out a date for same.

Exhibit D part 1 of 2 Pg 2 of 2

The Court further directed that in the future the directive of the Honorable Jerome C. Murphy of August 10, 2021 that any motions are to be made by Order to Show Cause will be followed by the undersigned.

The Counsel for the Plaintiff submitted his Affirmation relative to Attorneys fees and shortly thereafter came a bankruptcy proceeding. The Court had given the movant ten (10) days to reply which response was not uploaded to NYSCEF by movant either prior to the Bankruptcy or thereafter.

Counsel fees and costs are awarded to Plaintiff in the amount of \$3,826.35. Said amount shall be paid within ten days of service of this Order with Notice of Entry.

Dated: **AUG 15 2023**

Hon. R. Bruce Cozzens
Supreme Court Justice

ENTERED
Aug 17 2023

NASSAU COUNTY
COUNTY CLERK'S OFFICE